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EXTRAORDINARY

PART II—Section 2

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LOK SABHA

The following Bills were introduced in Lok Sabha on the 25th August, 1958:—

BILL* No. 92 OF 1958

A Bill further to amend the Sea Customs Act, 1878.

BE it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

1. This Act may be called the Sea Customs (Amendment) Act, 1958. Short title.

8 of 1878. 5 2. In the Sea Customs Act, 1878, after section 195A the following section shall be inserted, namely:— Insertion of new section 195B.

“195B. (1) Where this Act or any other law requires any-
thing to be done before a person can import or export any
goods or currency or clear any goods or currency from the
control of officers of Customs and the Customs-collector is
satisfied that having regard to the circumstances of the case,
such thing cannot be done before such import, export or
clearance without detriment to that person, the Customs-
collector may, notwithstanding anything contained in this
Act or such other law, grant leave for such import, export
or clearance on the person executing a bond in such amount,
with such surety or security and subject to such conditions as
the Customs-collector approves, for the doing of that thing
within such time after the import, export or clearance as may
be specified in the bond.” Power to allow import or export on execution of bonds in certain cases.

*The President has, in pursuance of clause (1) of article 117 of the Constitution of India, recommended to Lok Sabha the introduction of the Bill.

(2) If the thing is done within the time specified in the bond, the Customs-collector shall cancel the bond as discharged in full and shall, on demand, deliver it, so cancelled, to the person who has executed or who is entitled to receive it; and in such a case that person shall not be liable to any penalty 5 provided in this Act or, as the case may be, in such other law for the contravention of the provisions thereof relating to the doing of that thing.

(3) If the thing is not done within the time specified in the bond, the Customs-collector shall be entitled to proceed 10 upon the bond in accordance with law; and in such a case the person concerned shall also be liable to the penalty provided in this Act or, as the case may be, in such other law for such contravention as aforesaid."

STATEMENT OF OBJECTS AND REASONS

The Sea Customs Act, 1878, the Tea Act, 1953, and several other enactments lay down certain requirements which have to be complied with before goods can be released by the Customs authorities for import or export. It often happens that importers and exporters are not in a position, for reasons beyond their control, to comply with these requirements before the release of the goods for import or export. In such cases loss or detriment to the trade can be avoided if goods are released from customs control for import or export on the importers or exporters executing a bond to comply with the requirements of the law within a time to be specified in the bond.

The Bill seeks to achieve this object.

MORARJI DESAI.

NEW DELHI;

The 9th August, 1958.

BILL NO. 91 OF 1958

A Bill to amend the Indian Medical Council Act, 1956.

BE it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Indian Medical Council (Amendment) Act, 1958.

Substitution of new section for section 34.

2. For section 34 of the Indian Medical Council Act, 1956, the following section shall be substituted and shall be deemed always to have been substituted, namely:—

Repeal of Act 27 of 1933.

“34. (1) The Indian Medical Council Act, 1933, is hereby repealed.

(2) Notwithstanding anything contained in this Act, until the Council is constituted in accordance with the provisions of this Act,—

(a) the Medical Council of India as constituted immediately before the commencement of this Act under the Indian Medical Council Act, 1933 (hereinafter referred to as the said Medical Council) shall be deemed to be the Council constituted under this Act and may exercise any of the powers conferred or perform any of the duties imposed on the Council; and any vacancy occurring in the said Medical Council may be filled up in such manner as the Central Government may think fit; and

(b) the Executive Committee and other Committees of the said Medical Council as constituted immediately before the commencement of this Act shall be deemed to be the Executive Committee and other Committees constituted under this Act.”.

STATEMENT OF OBJECTS AND REASONS

Before the Indian Medical Council Act, 1956 (102 of 1956), can be brought into operation, it is necessary that action is taken by the States (more particularly the reorganised States) to get the State Medical Registers prepared as the Medical Council to be constituted under the Central Act will consist, among others, of members elected from among themselves by persons enrolled on the State Registers. Action in this behalf has been or is being taken by the State Governments; but this is bound to take some more time. In the meantime, it has been represented to the Government that unless the Act is brought into force, persons possessing certain licentiate qualifications and persons who are citizens of India possessing certain foreign medical qualifications, which are not recognised under the existing Act, will not be eligible for enrolment on the State Medical Registers. In the circumstances, Government consider that the Act should be brought into force without further delay.

As soon as the new Act is brought into force, the existing Council will cease to function as there is no provision for continuing the existing Council, and some time will necessarily have to elapse, before a new Council can be constituted under the 1956 Act. As it is desirable that there should be continuity in the existence of the Medical Council, it is proposed to provide for the continuance of the existing Council after the commencement of the new Act until the new Council is constituted. The Bill gives effect to this object.

D. P. KARMAKAR.

NEW DELHI;
The 13th August, 1958.

M. N. KAUL,
Secretary.

